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BEFORE THE
PHYSICIAN ASSISTANT BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 1E 2013 229713

LONNIE SCOTT KEITH, P.A.
Deuel Vocational Institution
P.O. Box 600
Tracey, CA 95378-0600
Inmate #AU7840

A C C U S A T I O N

Physician Assistant No. PA18704

Respondent.

Complainant alleges:

PARTIES

1. Glenn L. Mitchell, Jr. (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physician Assistant Board, Department of Consumer Affairs.

2. On or about October 25, 2006, the Physician Assistant Board of California issued Physician Assistant Number PA18704 to Lonnie Scott Keith, P.A. (Respondent). Said license expired on December 31, 2013.

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JURISDICTION

3 This Accusation is brought before the Physician Assistant Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 4. Section 2227 of the Code provides that a licensee who is found guilty under the medical practices Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay costs of monitoring, or such other action taken in relation to discipline as the Board deems proper.

5 5. Section 2232 of the Code states:

6 “(a) Except as provided in subdivision (b), (c), and (d), the board shall promptly revoke the license of any person who, at any time after January 1, 1947, has been required to register as a sex offender pursuant to the provisions of Section 290 of the Penal Code.

7 (b) This section shall not apply to a person who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code.

8 (c)(1) Five years after the effective date of the revocation and three years after successful discharge from parole, probation, or both parole and probation if under simultaneous supervision, an individual who after January 1, 1947, and prior to January 1, 2005, was subject to subdivision (a), may petition the superior court, in the county in which the individual has resided for, at minimum, five years prior to filing the petition, to hold a hearing within one year of the date of the petition, in order for the court to determine whether the individual no longer poses a possible risk to patients. The individual shall provide notice of the petition to the Attorney General and to the board at the time of its filing. The Attorney General and the board may present written and oral argument to the court on its merits of the petition.

9 (2) If the court finds that the individual no longer poses a possible risk to patients, and there are no other underlying reasons for which the board pursued disciplinary action, the court shall order, in writing, the board to reinstate the individual’s license within 180 days of the date of the order. The board may issue a probationary license to a person subject to this paragraph subject to

1 terms and conditions, including, but not limited to, any of the conditions of probation specified in
2 Section 2221.

3 (3) If the court finds that the individual continues to pose a possible risk to patients, the
4 court shall deny relief. The court's decision shall be binding on the individual and the board, and
5 the individual shall be prohibited from filing a subsequent petition under this section based on the
6 same conviction.

7 (d) This section shall not apply to a person who has been relieved under Section 290.5 of
8 the Penal Code of his or her duty to register as a sex offender, or whose duty to register has
9 otherwise been formerly terminated under California law."

10 6. Section 2234 of the Code provides, in pertinent part, that the board shall take action
11 against any licensee who is charged with unprofessional conduct which includes violating or
12 attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring
13 to violate any provision of this chapter.

14 7. Section 2236 of the Code provides, in pertinent part, that the conviction of any
15 offense substantially related to the qualifications, functions, or duties of a physician and surgeon
16 constitutes unprofessional conduct within the meaning of this chapter. The record of conviction
17 shall be conclusive evidence only of the fact that the conviction occurred.

18 8. Section 3527(a) states:

19 "The board may order the denial of an application for, or the issuance subject to terms and
20 conditions of, or the suspension or revocation of, or the imposition of probationary conditions
21 upon a physician assistant license after a hearing as required in Section 3528 for unprofessional
22 conduct that includes, but is not limited to, a violation of this chapter, a violation of the Medical
23 Practice Act, or a violation of the regulations adopted by the board or the Medical Board of
24 California.

25 9. Section 3531 of the Code states:

26 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge
27 of a felony or of any offense which is substantially related to the qualifications, functions, or
28 duties of the business or profession to which the license was issued is deemed to be a conviction

1 within the meaning of this chapter. The committee may order the license suspended or revoked,
2 or shall decline to issue a license when the time for appeal has elapsed, or the judgment of
3 conviction has been affirmed on appeal or when an order granting probation is made suspending
4 the imposition of sentence, irrespective of a subsequent order under the provisions of Section
5 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea
6 of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or
7 indictment."

8 10. Section 490 of the Code provides, in pertinent part, that a board may suspend or
9 revoke a license on the ground that the licensee has been convicted of a crime substantially related
10 to the qualifications, functions, or duties of the business or profession for which the license was
11 issued.

12 11. Business and Professions Code section 4059 provides in relevant part that a person
13 may not furnish a dangerous drug, except upon the prescription of a physician, dentist, podiatrist,
14 optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

15 12. Business and Professions Code section 4170 provides that no prescriber shall
16 dispense dangerous drugs or dangerous devices to a patient unless all the conditions of this section
17 are met including that the dangerous drugs or dangerous devices are necessary in the treatment of
18 the condition for which the prescriber is attending the patient.

19 13. Business and professions Code section 4326(b) provides that any person who uses a
20 hypodermic needle or syringe for any purpose other than that purpose by which it was legally
21 obtained is guilty of a misdemeanor.

22 14. Title 16 California Code of regulations section 1399.521(a) provides that the
23 Physician Assistant Committee, now Board may take action against a licensee for any violation of
24 the State Medical Practice Act which would constitute unprofessional conduct for a physician and
25 surgeon.

26 15. Title 16 California Code of regulations section 1399.521.5(c) provides that the
27 commission of any act of sexual abuse or misconduct is unprofessional conduct.

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1 **DRUGS**

2 16. Benadryl, also known by the chemical name Diphenhydramine, is a dangerous drug as
3 defined in section 4022 of the Code.

4 17. Haldol, also known by the chemical name Haloperidol, is a dangerous drug defined in
5 section 4022 of the Code.

6 **CAUSE FOR MANDATORY REVOCATION OF LICENSE**
7 **(Revocation of license for registered sex offender)**

8 18. Respondent's Physician Assistant No. PA 18704 is subject to mandatory revocation
9 under section 2232 subdivision (a) of the Code section 3527, subdivision (a), in that he has been
10 required to register as a sex offender pursuant to the provisions of section 290 of the Penal Code.
11 The circumstances are as follows:

12 A. On August 28, 2014, in the case of *The People of the State of California v.*
13 *Lonnie Scott Keith*, Butte County Superior Court consolidated case numbers CM038007
14 and CM039512, Respondent was ordered, as part of his sentence, to register as a sex
15 offender pursuant to the provisions of Penal Code section 290.

16 B. As a result of his being ordered to register as a sex offender, Respondent's
17 Physician Assistant license No. PA18704 is subject to mandatory revocation pursuant to
18 the provisions of Business and Professions Code section 2232 .

19 **FIRST CAUSE FOR DISCIPLINE**
20 **(Conviction of a crime(s))**

21 19. Respondent is subject to disciplinary action under sections 2236, 3527 subdivision
22 (a), 3531, 2234 and 490 of the Code, Title 16 CCR 1399. 521(a), and Title 16 CCR 1399.521.5(c)
23 in that Respondent was convicted of four felonies. The circumstances are as follows:

24 20. On or about August 28, 2014, in the case of *The People of the State of California v.*
25 *Lonnie Scott Keith*, Butte County Superior Court consolidated case numbers CM038007 and
26 CM039512, Respondent was charged and convicted, by a plea of guilty, of the following violent
27 felonies: One count of Penal Code section 261 subdivision (a)(2), forcible rape of victim G.G.,
28 and three counts of Penal Code section 207 subdivision (a), kidnapping of victims G.G., R.N., and

1 P.W. On August 28, 2014, Respondent also admitted that he understood that his prison
2 commitment would be as a sexually violent predator which falls within the requirements of Penal
3 Code section 290 registration. On or about September 14, 2014, Respondent was sentenced to
4 twenty-six years in prison.

5 21. The underlying facts of these convictions stem from September 22, 2012 and October
6 28, 2012 in the south campus area of Chico, California. During these two incidents Respondent
7 forced his victims into his vehicle and then injected each with an unknown substance which
8 caused a sedating, drowsy effect. Respondent forcibly raped the first victim G.G. Both victims,
9 G.G. and R.N., described the interior of defendant's vehicle as having windows covered to
10 conceal visibility. They also stated Respondent bound their hands and feet with "zip ties" and
11 covered their eyes with tape. A third victim, P.W., described an incident on April 15, 2012,
12 where during her kidnapping, Respondent wore rubber/latex gloves and a nylon stocking and/or
13 mask over his face.

14 22. Following a consented search of Respondent's vehicle and a later search warrant,
15 Chico Police Department Officers discovered: (1) metal handcuffs; (2) metal leg restraints; (3)
16 plastic "zip ties"; (4) multiple syringes; (5) multiple vials of prescription drugs, including Haldol
17 and Benadryl, each having a sedating effect when introduced to the body; (6) rubber/latex gloves;
18 (7) a combination flashlight/ stun gun; and (8) looped "zip ties" concealed in the trunk of the
19 vehicle. Both Haldol and Benadryl were found in the victim G.G.'s toxicology screen after her
20 October 2012 kidnapping/sexual assault. Respondent admitted that he obtained the vials of
21 prescription drugs and syringes while working as a physician assistant at Oroville Medical Center.

22 23. Respondent's criminal convictions are for crimes that are substantially related to the
23 qualifications, functions, or duties of a physician assistant and constitutes unprofessional conduct
24 within the meaning of this chapter.

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SECOND CAUSE FOR DISCIPLINE
(Improper use of dangerous drugs, hypodermic needles and syringes)

24. Complainant re-alleges paragraphs 20 through 22 above, and incorporates them by reference herein as though fully set forth.

25. Respondent is subject to disciplinary action under sections 4059, 4170, and 4326 subdivision (b) of the Code, in that he improperly used dangerous drugs and hypodermic needles and syringes on women to effectuate his crimes.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physician Assistant Board of California issue a decision:

1. Revoking or suspending Physician Assistant Number PA18704, issued to Lonnie Scott Keith, P.A.;
2. Taking such other and further action as deemed necessary and proper.

DATED: December 29, 2014


GLENN L. MITCHELL, JR.
Executive Officer
Physician Assistant Board
Department of Consumer Affairs
State of California
Complainant

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